

Senate Chamber, Atlanta, Georgia  
Tuesday, February 13, 2007  
Nineteenth Legislative Day

The Senate met pursuant to adjournment at 10:00 a.m. today and was called to order by the President.

Senator Balfour of the 9th reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has passed by the requisite constitutional majority the following Bills of the House:

HB 89. By Representatives Bearden of the 68th, Horne of the 71st and Hatfield of the 177th:

A BILL to be entitled an Act to amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to the carrying and possession of firearms, so as to change certain provisions regarding the transportation of certain firearms; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 91. By Representatives Chambers of the 81st, Harbin of the 118th, Ehrhart of the 36th and Martin of the 47th:

A BILL to be entitled an Act to amend Chapter 4 of Title 50 of the Official Code of Georgia Annotated, relating to organization of the executive branch generally, so as to require each department, commission, authority, and agency of the executive branch of government to provide certain reports annually to the General Assembly; to provide for the contents of such reports; to provide for the time of submitting such reports; to provide for related matters; to repeal conflicting laws; and for other purposes.

- HB 119. By Representatives Willard of the 49th, Ralston of the 7th, Lindsey of the 54th, Fleming of the 117th, Tumlin of the 38th and others:

A BILL to be entitled an Act to amend Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to annual salaries of certain state officials and cost of living adjustments, so as to increase the annual salaries of Supreme Court Justices, Court of Appeals Judges, and superior court judges; to provide for related matters; to repeal conflicting laws; and for other purposes.

- HB 120. By Representatives Willard of the 49th, Ralston of the 7th, Lindsey of the 54th, Fleming of the 117th, Tumlin of the 38th and others:

A BILL to be entitled an Act to amend Chapter 2 and Chapter 3 of Title 15 of the Official Code of Georgia Annotated, relating to the Supreme Court and Court of Appeals respectively, so as to provide for travel allowances for certain appellate Justices and Judges; to provide for related matters; to repeal conflicting laws; and for other purposes.

- HB 171. By Representative Rice of the 51st:

A BILL to be entitled an Act to amend Code Sections 40-3-36 and 43-43-3 of the Official Code of Georgia Annotated, relating to certificates of title for scrap motor vehicles, so as to authorize the use of a statement of the vehicle owner who does not have a valid title upon the sale of such vehicle; to prescribe conditions for use of the statement; to authorize the Department of Revenue to promulgate such statement; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

- HB 320. By Representatives Smyre of the 132nd, Smith of the 129th, Hugley of the 133rd, Buckner of the 130th and Smith of the 131st:

A BILL to be entitled an Act to authorize the consolidated government of Columbus, Georgia, to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

- HB 331. By Representatives Davis of the 109th, Mosby of the 90th, Starr of the 78th and Watson of the 91st:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide a new charter for the City of Stockbridge," approved April 4, 1991 (Ga. L. 1991, p. 4359), as amended, so as to provide for council districts; to provide for the election of the mayor and councilmembers; to provide for residency; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

The following Senate legislation was introduced, read the first time and referred to committee:

- SB 147. By Senators Shafer of the 48th, Balfour of the 9th, Thompson of the 5th and Weber of the 40th:

A BILL to be entitled an Act to create the Gwinnett County Storm-water Authority; to authorize the storm-water authority to acquire, construct, add to, extend, improve, operate, and maintain storm-water management systems and facilities, and any and all other related facilities; to confer powers and to impose duties on the storm-water authority; to provide for the members of the storm-water authority and their term of tenure and compensation; to fix the venue or jurisdiction of actions relating to any provisions of this Act and to provide that such bonds or obligations be validated as authorized by Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law;" to provide for liberal construction; to provide for severability; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

- SB 148. By Senators Shafer of the 48th, Staton of the 18th, Thomas of the 54th, Rogers of the 21st, Heath of the 31st and others:

A BILL to be entitled an Act to amend Title 31 of the O.C.G.A., relating to health, so as to provide a short title; to provide legislative intent and findings; to provide definitions; to create the Newborn Umbilical Cord Blood Bank for postnatal tissue and fluid; to provide for donations and information concerning donations; to provide for the creation of the Georgia Commission for Saving the Cure and the membership, appointment, terms of office, and duties of such commission; to provide for certain funding mechanisms; to amend Article 3 of

Chapter 7 of Title 48 of the O.C.G.A., relating to income tax returns and information, so as to authorize taxpayers to make certain contributions through the income tax payment and refund process; to provide an effective date and for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Science and Technology Committee.

SB 149. By Senator Smith of the 52nd:

A BILL to be entitled an Act to provide that future elections for the office of judge of the Probate Court of Floyd County shall be nonpartisan elections; to provide for submission of this Act under the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

SB 150. By Senators Hill of the 32nd and Thomas of the 54th:

A BILL to be entitled an Act to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to require pharmacies to submit certain performance and cost data to the Department of Community Health; to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to provide for the establishment of a website to provide consumers with information on the cost and quality of health care in Georgia; to provide for related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

SB 151. By Senator Hill of the 32nd:

A BILL to be entitled an Act to create the Georgia Health Security Underwriting Authority; to provide alternative mechanism coverage for the availability of individual health insurance; to provide definitions; to provide for an assignment group underwriting board; to provide for powers, duties, and authority of the board; to provide for the selection of an administrator or administrators; to provide for the duties of the Commissioner of Insurance with respect to the board and assignment group; to provide for the establishment of rates; to provide for eligibility for and termination of coverage; to provide for

minimum assignment group benefits; to provide for certain exclusions for preexisting conditions; to provide for funding; to provide for related matters; to repeal the Georgia High Risk Health Insurance Plan; to repeal conflicting laws; and for other purposes.

Referred to the Insurance and Labor Committee.

SB 152. By Senator Schaefer of the 50th:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Clarkesville in the County of Habersham, approved April 9, 1981 (Ga. L. 1981, p. 4502), as amended, so as to change the corporate limits of the city; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

SB 153. By Senator Hill of the 32nd:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to provide for the development of consumer driven health insurance plans by the Commissioner of Insurance; to allow such plans to include wellness and health promotion programs; to provide that such programs shall not be considered unfair trade practices; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Insurance and Labor Committee.

SR 248. By Senators Shafer of the 48th, Moody of the 56th, Rogers of the 21st, Weber of the 40th, Stoner of the 6th and others:

A RESOLUTION proposing an amendment to the Constitution so as to prohibit a county from levying ad valorem taxes or assessments within a municipality as special services districts or within a municipality for services provided by the municipality; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the State and Local Governmental Operations (General) Committee.

SR 249. By Senators Grant of the 25th, Harp of the 29th, Harbison of the 15th, Goggans of the 7th, Smith of the 52nd and others:

A RESOLUTION authorizing the granting of nonexclusive easements for operation and maintenance of facilities, utilities, and ingress and egress, in, on, over, under, upon, across, or through property owned by the State of Georgia in Cobb, Floyd, Gwinnett, Muscogee, Paulding, and Ware counties, Georgia; to repeal conflicting laws; and for other purposes.

Referred to the State Institutions and Property Committee.

The following House legislation was read the first time and referred to committee:

HB 89. By Representatives Bearden of the 68th, Horne of the 71st, Hatfield of the 177th, Maddox of the 172nd and Smith of the 168th:

A BILL to be entitled an Act to amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to the carrying and possession of firearms, so as to change certain provisions regarding the transportation of certain firearms; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

HB 91. By Representatives Chambers of the 81st, Harbin of the 118th, Ehrhart of the 36th and Martin of the 47th:

A BILL to be entitled an Act to amend Chapter 4 of Title 50 of the Official Code of Georgia Annotated, relating to organization of the executive branch generally, so as to require each department, commission, authority, and agency of the executive branch of government to provide certain reports annually to the General Assembly; to provide for the contents of such reports; to provide for the time of submitting such reports; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations (General) Committee.

HB 119. By Representatives Willard of the 49th, Ralston of the 7th, Lindsey of the 54th, Fleming of the 117th, Tumlin of the 38th and others:

A BILL to be entitled an Act to amend Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to annual salaries of certain state officials and cost of living adjustments, so as to increase the annual salaries of Supreme

Court Justices, Court of Appeals Judges, and superior court judges; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Appropriations Committee.

HB 120. By Representatives Willard of the 49th, Ralston of the 7th, Lindsey of the 54th, Fleming of the 117th, Tumlin of the 38th and others:

A BILL to be entitled an Act to amend Chapter 2 and Chapter 3 of Title 15 of the Official Code of Georgia Annotated, relating to the Supreme Court and Court of Appeals respectively, so as to provide for travel allowances for certain appellate Justices and Judges; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Appropriations Committee.

HB 171. By Representative Rice of the 51st:

A BILL to be entitled an Act to amend Code Sections 40-3-36 and 43-43-3 of the Official Code of Georgia Annotated, relating to certificates of title for scrap motor vehicles, so as to authorize the use of a statement of the vehicle owner who does not have a valid title upon the sale of such vehicle; to prescribe conditions for use of the statement; to authorize the Department of Revenue to promulgate such statement; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Finance Committee.

HB 320. By Representatives Smyre of the 132nd, Smith of the 129th, Hugley of the 133rd, Buckner of the 130th and Smith of the 131st:

A BILL to be entitled an Act to authorize the consolidated government of Columbus, Georgia, to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 331. By Representatives Davis of the 109th, Mosby of the 90th, Starr of the 78th and Watson of the 91st:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide a new charter for the City of Stockbridge," approved April 4, 1991 (Ga. L. 1991, p. 4359), as amended, so as to provide for council districts; to provide for the election of the mayor and councilmembers; to provide for residency; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

The following committee reports were read by the Secretary:

Mr. President:

The Judiciary Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 79	Do Pass
SB 97	Do Pass

Respectfully submitted,  
Senator Smith of the 52nd District, Chairman

Mr. President:

The State and Local Governmental Operations Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 206	Do Pass
SB 90	Do Pass by substitute

Respectfully submitted,  
Senator Wiles of the 37th District, Chairman

The following legislation was read the second time:

SB 92



The roll was called and the following Senators answered to their names:

Balfour	Henson	Schaefer
Brown	Hill,Jack	Seabaugh
Butler	Hill,Judson	Shafer,D
Carter	Hooks	Smith
Chance	Hudgens	Staton
Chapman	Johnson	Tarver
Cowsert	Jones	Tate
Davenport	Me V Bremen	Thomas,D
Douglas	Moody	Thomas,R
Goggans	Mullis	Thompson,C
Golden	Murphy	Tolleson
Grant	Orrock	Unterman
Hamrick	Powell	Weber
Harbison	Ramsey	Whitehead
Harp	Reed	Wiles
Hawkins	Rogers	Williams
Heath		

Not answering were Senators:

Adelman	Bulloch	Fort
Pearson	Seay	Stoner
Thompson, S		

The following members were off the floor of the Senate when the roll was called and wish to be recorded as present:

Senators:	Adelman	Bulloch	Fort
	Pearson	Stoner	Thompson, S

The members pledged allegiance to the flag.

Senator Hamrick of the 30th introduced the chaplain of the day, Reverend Eddie Herring of Carrollton, Georgia, who offered scripture reading and prayer.

Senator Grant of the 25th introduced members of the Georgia Rural Health Association, commended by SR 157, adopted previously. Kevin Taylor addressed the Senate briefly.

The following resolutions were read and adopted:

SR 250. By Senators Tolleson of the 20th, Harp of the 29th and Thomas of the 54th:

A RESOLUTION recognizing and commending the Council on American Indian Concerns; and for other purposes.

SR 251. By Senators Thomas of the 54th, Johnson of the 1st, Thomas of the 2nd and Hill of the 4th:

A RESOLUTION recognizing Happy Home Missionary Baptist Church on the occasion of its one-hundredth anniversary; and for other purposes.

SR 252. By Senators Thomas of the 54th, Staton of the 18th, Mullis of the 53rd, Smith of the 52nd, Murphy of the 27th and others:

A RESOLUTION commending the emergency medical services professionals of Georgia and recognizing Thursday, February 22, 2007, as "Emergency Medical Services Recognition Day"; and for other purposes.

SR 253. By Senator Harbison of the 15th:

A RESOLUTION recognizing and commending Mr. Robert Anderson on the occasion of his retirement; and for other purposes.

SR 254. By Senator Harbison of the 15th:

A RESOLUTION commending Mrs. Vivian Creighton Bishop; and for other purposes.

SR 255. By Senator Harbison of the 15th:

A RESOLUTION recognizing and commending Representative Calvin Smyre and congratulating him on the occasion of his election as the president of the National Black Caucus of State Legislators; and for other purposes.

SR 256. By Senator Harbison of the 15th:

A RESOLUTION commending James Walker; and for other purposes.

SR 257. By Senator Rogers of the 21st:

A RESOLUTION recognizing Sue Filiberto for her outstanding leadership and service to the community of Cherokee County; and for other purposes.

SR 258. By Senators Tolleson of the 20th and Staton of the 18th:

A RESOLUTION recognizing and commending Feagin Mill Middle School on its designation as a 2007 Georgia School of Excellence in Student Achievement; and for other purposes.

The following local, uncontested legislation, favorably reported by the committee as listed on the Local Consent Calendar, was put upon its passage:

### **SENATE LOCAL CONSENT CALENDAR**

Tuesday, February 13, 2007  
Nineteenth Legislative Day

(The names listed are the Senators whose districts are affected by the legislation.)

SB 90                      Douglas of the 17th  
**CITY OF HAMPTON**

A BILL to be entitled an Act to repeal an Act creating the City of Hampton Public Facilities Authority, approved May 30, 2003 (Ga. L. 2003, p. 3848); to provide that any outstanding debt, contracts, or assets held by the City of Hampton Public Facilities Authority shall be assumed by the local governing authority of Henry County; to repeal conflicting laws; and for other purposes.

**(SUBSTITUTE)**

HB 206                      Goggans of the 7th  
**CLINCH COUNTY**

A BILL to be entitled an Act to provide that the judge of the Probate Court of Clinch County shall also serve as the chief magistrate of the Magistrate Court of Clinch County on and after January 1, 2009; to provide for the compensation of such judge for service as chief magistrate; to provide for the continuation in office and expiration of term of the current chief magistrate; to repeal conflicting laws; and for other purposes.

The substitute to the following bill was put upon its adoption:

\*SB 90:

The Senate State and Local Governmental Operations offered the following substitute to SB 90:

**A BILL TO BE ENTITLED  
AN ACT**

To repeal an Act creating the City of Hampton Public Facilities Authority, approved May 30, 2003 (Ga. L. 2003, p. 3848); to repeal conflicting laws; and for other purposes.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

**SECTION 1.**

An Act creating the City of Hampton Public Facilities Authority, approved May 30, 2003, (Ga. L. 2003, p. 3848), is hereby repealed in its entirety, thus dissolving such authority.

**SECTION 2.**

All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 46, nays 0, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bills as reported, was agreed to.

On the passage of the bills on the Local Consent Calendar, a roll call was taken, and the vote was as follows:

Y Adelman	Y Heath	Y Seabaugh
Y Balfour	Y Henson	Seay
Y Brown	Y Hill,Jack	Y Shafer,D
Y Bulloch	Y Hill,Judson	Y Smith
Y Butler	Y Hooks	Y Staton
Y Carter	Y Hudgens	Y Stoner
Y Chance	Johnson	Y Tarver
Chapman	Y Jones	Y Tate
Y Cowsert	Y Me V Bremen	Y Thomas,D
Y Davenport	Y Moody	Thomas,R
Douglas	Y Mullis	Y Thompson,C
Fort	Y Murphy	Y Thompson,S
Goggans	Y Orrock	Tolleson

Y Golden	Pearson	Y Unterman
Y Grant	Y Powell	Y Weber
Y Hamrick	Y Ramsey	Y Whitehead
Y Harbison	Y Reed	Y Wiles
Harp	Y Rogers	Y Williams
Y Hawkins	Y Schaefer	

On the passage of the local bills, the yeas were 46, nays 0.

The bills on the Local Consent Calendar, except SB 90, having received the requisite constitutional majority, were passed.

SB 90, having received the requisite constitutional majority, was passed by substitute.

Senator Reed of the 35th asked unanimous consent that Senator Seay of the 34th be excused. The consent was granted, and Senator Seay was excused.

Senator Whitehead of the 24th asked unanimous consent that Senator Douglas of the 17th be excused. The consent was granted, and Senator Douglas was excused.

SENATE RULES CALENDAR  
TUESDAY, FEBRUARY 13, 2007  
NINETEENTH LEGISLATIVE DAY

SB 9	Grade Integrity Act; provide ethical violation reportable to Professional Standards Commission; statutory construction (Substitute)(ED&Y-21st)
SB 38	Motor Vehicles; registration of a vehicle; require driver's license/identification card (Substitute)(PS&HS-21st)
SB 49	Labor, Dept. of; transfer of Rehabilitation Services; provide delivery of certain services/techniques to deaf-blind individual (I&L-2nd)
SB 58	Taxation; payment of taxes where property lies in more than one county; repeal certain provisions (FIN-52nd)
SB 94	Dispossessory Proceedings; clarify the process for judgments by defaults (Substitute)(S JUDY-37th)
SR 123	U.S. Army Corps of Engineers; urged to begin study of the costs/effects of raising the full pool for Lake Lanier (NR&E-49th)

Respectfully submitted,

/s/ Balfour of the 9th, Chairman  
Senate Rules Committee

The following legislation was read the third time and put upon its passage:

SB 9. By Senators Rogers of the 21st, Williams of the 19th, Weber of the 40th, Moody of the 56th, Cowser of the 46th and others:

A BILL to be entitled an Act to amend Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to teachers and other school personnel, so as to enact the "Grade Integrity Act of 2007"; to provide that no classroom teacher shall be required, coerced, intimidated, or disciplined in any manner to change the grade of a student; to provide for an ethical violation reportable to the Professional Standards Commission; to provide for statutory construction; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate Education and Youth Committee offered the following substitute to SB 9:

A BILL TO BE ENTITLED  
AN ACT

To amend Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to teachers and other school personnel, so as to enact the "Grade Integrity Act of 2007"; to provide that no classroom teacher shall be required, coerced, intimidated, or disciplined in any manner to change the grade of a student; to provide for an ethical violation reportable to the Professional Standards Commission; to provide for statutory construction; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

This Act shall be known and may be cited as the "Grade Integrity Act of 2007."

**SECTION 2.**

Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to teachers and other school personnel, is amended by inserting at the end thereof a new Part 12 to read as follows:

"Part 12

20-2-989.20.

(a) No classroom teacher shall be required, coerced, intimidated, or disciplined in any manner by the local board of education, superintendent, or any local school administrator to change the grade of a student; provided, however, this subsection shall not apply when a teacher has failed to comply with grading policies or rules adopted by the local board of education or written procedures established by an individual school that are applicable to the grading process. A violation of this Code section shall constitute an ethics violation reportable to the Professional Standards Commission pursuant to Part 10 of this article.

(b) Nothing in this Code section shall be construed to prevent a principal or other local school administrator from discussing the grade of a student with a classroom teacher.

(c) Nothing in this Code section shall be construed to prevent a central office administrator, superintendent, or local school administrator from changing a student's grade. Any grade change made by a person other than the classroom teacher must be clearly indicated in the student's school records and must indicate the person responsible for making such grade change."

### SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 37, nays 0, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Heath	Y Seabaugh
Y Balfour	Y Henson	E Seay
Y Brown	Y Hill,Jack	Y Shafer,D
Y Bulloch	Y Hill,Judson	Y Smith
Y Butler	Y Hooks	Y Staton
Y Carter	Y Hudgens	Y Stoner
Y Chance	Y Johnson	Y Tarver
Chapman	Y Jones	Y Tate
Y Cowsert	Y Me V Bremen	Y Thomas,D
Y Davenport	Y Moody	Y Thomas,R
E Douglas	Y Mullis	Y Thompson,C
Y Fort	Y Murphy	Y Thompson,S
Y Goggans	Y Orrock	Y Tolleson
Y Golden	Y Pearson	Y Unterman
Y Grant	Y Powell	Y Weber

Hamrick  
Y Harbison  
Y Harp  
Y Hawkins

Y Ramsey  
Y Reed  
Y Rogers  
Y Schaefer

Y Whitehead  
Y Wiles  
Y Williams

On the passage of the bill, the yeas were 52, nays 0.

SB 9, having received the requisite constitutional majority, was passed by substitute.

Senator Thomas of the 2nd asked unanimous consent that Senator Chapman of the 3rd be excused. The consent was granted, and Senator Chapman was excused.

Senator Hawkins of the 49th asked unanimous consent that Senator Hamrick of the 30th be excused. The consent was granted, and Senator Hamrick was excused.

Senator Hooks of the 14th asked unanimous consent that Senator Harbison of the 15th be excused. The consent was granted, and Senator Harbison was excused.

Senator Ramsey of the 43rd asked unanimous consent that Senator Henson of the 41st be excused. The consent was granted, and Senator Henson was excused.

SB 38. By Senators Rogers of the 21st, Whitehead, Sr. of the 24th, Carter of the 13th, Mullis of the 53rd, Chapman of the 3rd and others:

A BILL to be entitled an Act to amend Code Section 40-3-20 of the Official Code of Georgia Annotated, relating to when a certificate of title is required for a motor vehicle, so as to require an owner of a vehicle, unless otherwise exempt, to present a valid Georgia driver's license or identification card when registering or renewing the registration of a vehicle; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The Senate Public Safety and Homeland Security Committee offered the following substitute to SB 38:

A BILL TO BE ENTITLED  
AN ACT

To amend Code Section 40-2-33 of the Official Code of Georgia Annotated, relating to the issuance of license plates, so as to require presentation of a valid Georgia driver's license or Georgia identification card to obtain a motor vehicle tag; to provide for exemptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:



**SECTION 1.**

Code Section 40-2-33 of the Official Code of Georgia Annotated, relating to the issuance of license plates, is amended by adding a new subsection as follows:

"(d) The initial issuance of any tag, on or after July 1, 2007, shall not be made unless the applicant presents at the time of application a valid Georgia driver's license or Georgia identification card. This subsection shall not apply to those applicants expressly exempted in Code Section 40-5-21."

**SECTION 2.**

All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 35, nays 0, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Heath	Y Seabaugh
Y Balfour	E Henson	E Seay
Brown	Y Hill,Jack	Y Shafer,D
Y Bulloch	Y Hill,Judson	Y Smith
Y Butler	Y Hooks	Y Staton
Y Carter	Y Hudgens	Y Stoner
Y Chance	Y Johnson	Y Tarver
E Chapman	Y Jones	Y Tate
Y Cowser	Y Me V Bremen	Y Thomas,D
Y Davenport	Y Moody	Y Thomas,R
Y Douglas	Y Mullis	Y Thompson,C
Y Fort	Y Murphy	Y Thompson,S
Y Goggans	Y Orrock	Y Tolleson
Y Golden	Y Pearson	Y Unterman
Y Grant	Y Powell	Y Weber
E Hamrick	Y Ramsey	Y Whitehead
E Harbison	Y Reed	Y Wiles
Y Harp	Y Rogers	Y Williams
Y Hawkins	Y Schaefer	

On the passage of the bill, the yeas were 50, nays 0.

SB 38, having received the requisite constitutional majority, was passed by substitute.

The following communication was received by the Secretary:

Senator Lee Hawkins  
District 49  
304-A Coverdell Legislative Office Building  
Atlanta, GA 30334

**Committees:**

Reapportionment and Redistricting  
Agriculture and Consumer Affairs  
Health and Human Services  
Natural Resources and the Environment  
State and Local Governmental Operations

The State Senate  
Atlanta, Georgia 30334

I request to be counted as a yes vote on SB 38.

/s/ Lee Hawkins

Senator Goggans of the 7th asked unanimous consent that Senator Unterman of the 45th be excused. The consent was granted, and Senator Unterman was excused.

SB 49. By Senators Thomas of the 2nd, Harp of the 29th, Johnson of the 1st and Hudgens of the 47th:

A BILL to be entitled an Act to amend Chapter 15 of Title 34 of the Official Code of Georgia Annotated, relating to transfer of Division of Rehabilitation Services to Department of Labor, so as to provide for the delivery of certain services and techniques to deaf-blind individuals by an organization knowledgeable on deaf-blind issues; to provide that the division integrates the services and techniques into its standard practices and procedures; to provide for a time frame to retain the services of an organization to provide services and techniques to deaf-blind individuals and training on such services and techniques; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman  
Y Balfour  
Y Brown  
Y Bulloch  
Y Butler

Y Heath  
E Henson  
Y Hill, Jack  
Y Hill, Judson  
Y Hooks

Y Seabaugh  
E Seay  
Y Shafer, D  
Y Smith  
Y Staton

Y Carter	Y Hudgens	Y Stoner
Y Chance	Y Johnson	Y Tarver
E Chapman	Y Jones	Y Tate
Y Cowsert	Y Me V Bremen	Y Thomas,D
Y Davenport	Y Moody	Y Thomas,R
Y Douglas	Y Mullis	Y Thompson,C
Y Fort	Y Murphy	Y Thompson,S
Y Goggans	Y Orrock	Y Tolleson
Y Golden	Pearson	E Unterman
Grant	Y Powell	Y Weber
E Hamrick	Y Ramsey	Y Whitehead
E Harbison	Y Reed	Y Wiles
Y Harp	Y Rogers	Y Williams
Hawkins	Y Schaefer	

On the passage of the bill, the yeas were 47, nays 0.

SB 49, having received the requisite constitutional majority, was passed.

The following communication was received by the Secretary:

Senator Chip Pearson  
District 51  
321-B Coverdell Legislative Office Building  
Atlanta, GA 30334

**Committees:**  
Economic Development  
Transportation  
Administrative Affairs  
Appropriations  
Rules  
Insurance and Labor  
Assignments

The State Senate  
Atlanta, Georgia 30334

2/13/07

Bob Ewing:

Please record that I meant to press "Green-Yeah" on SB 49 and missed the button.

/s/ Chip Pearson

SB 58. By Senators Smith of the 52nd, Wiles of the 37th and Bulloch of the 11th:

A BILL to be entitled an Act to amend Article 4 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to county taxation, so as to repeal certain provisions relating to payment of taxes where property lies in more than one county; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Heath	Y Seabaugh
Y Balfour	E Henson	E Seay
Brown	Y Hill,Jack	Y Shafer,D
Y Bulloch	Y Hill,Judson	Y Smith
Y Butler	Y Hooks	Y Staton
Carter	Y Hudgens	Y Stoner
Y Chance	Y Johnson	Y Tarver
E Chapman	Y Jones	Y Tate
Y Cowsert	Y Me V Bremen	Y Thomas,D
Y Davenport	Y Moody	Y Thomas,R
Y Douglas	Y Mullis	Y Thompson,C
Y Fort	Y Murphy	Y Thompson,S
Y Goggans	Y Orrock	Y Tolleson
Y Golden	Y Pearson	Y Unterman
Y Grant	Y Powell	Y Weber
E Hamrick	Y Ramsey	Y Whitehead
E Harbison	Y Reed	Y Wiles
Y Harp	Y Rogers	Y Williams
Y Hawkins	Y Schaefer	

On the passage of the bill, the yeas were 49, nays 0.

SB 58, having received the requisite constitutional majority, was passed.

Senator Thomas of the 2nd asked unanimous consent that Senator Hill of the 4th be excused. The consent was granted, and Senator Hill was excused.

SB 94. By Senators Wiles of the 37th, Hamrick of the 30th, Heath of the 31st, Mullis of the 53rd and Seabaugh of the 28th:

A BILL to be entitled an Act to amend Article 3 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to dispossessory proceedings, so as to define a term; to clarify the process for judgments by default; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate Special Judiciary Committee offered the following substitute to SB 94:

A BILL TO BE ENTITLED  
AN ACT

To amend Article 3 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to dispossessory proceedings, so as to define a term; to clarify the process for judgments by default; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 3 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to dispossessory proceedings, is revised by adding a new Code section to read as follows:

"44-7-49.

As used in this article, the term 'writ of possession' means a writ issued to recover the possession of land or other property and such writ shall not contain restrictions, responsibilities, or conditions upon the landlord in order to be placed in full possession of the land or other property."

**SECTION 2.**

Said article is further amended by revising subsection (a) of Code Section 44-7-53, relating to when writ of possession is issued, trial of issues, and possession pending trial as follows:

"(a) If the tenant fails to answer as provided in subsection (b) of Code Section 44-7-51, the court shall issue a writ of possession instanter notwithstanding Code Section 9-11-55 or Code Section 9-11-62; and, The court, without the intervention of a jury, shall not require any further evidence nor hold any hearings and the plaintiff shall be entitled to a verdict and judgment by default for all rents due, ~~in open court or in chambers,~~ as if every item and paragraph of the affidavit provided for in Code Section 44-7-50 were supported by proper evidence, ~~without the intervention of a jury.~~"

**SECTION 3.**

All laws and parts of laws in conflict with this Act are repealed.

On the adoption of the substitute, the yeas were 42, nays 0, and the committee substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Adelman	Y Heath	Y Seabaugh
Y Balfour	E Henson	E Seay
Brown	E Hill,Jack	Y Shafer,D
Y Bulloch	Y Hill,Judson	Y Smith
N Butler	Y Hooks	Y Staton
Y Carter	Y Hudgens	Y Stoner
Y Chance	Y Johnson	Y Tarver
Y Chapman	Y Jones	N Tate
Y Cowsert	Y Me V Bremen	Y Thomas,D
Y Davenport	Y Moody	Y Thomas,R
Y Douglas	Y Mullis	Y Thompson,C
N Fort	Y Murphy	Y Thompson,S
Y Goggans	Y Orrock	Y Tolleson
Y Golden	Y Pearson	Y Unterman
Y Grant	Y Powell	Y Weber
Y Hamrick	Y Ramsey	Y Whitehead
E Harbison	N Reed	Y Wiles
Y Harp	Y Rogers	Y Williams
Y Hawkins	Y Schaefer	

On the passage of the bill, the yeas were 47, nays 4.

SB 94, having received the requisite constitutional majority, was passed by substitute.

Senator Williams of the 19th asked unanimous consent that Senator Johnson of the 1st be excused. The consent was granted, and Senator Johnson was excused.

Senator Tolleson of the 20th asked unanimous consent that Senator Rogers of the 21st be excused. The consent was granted, and Senator Rogers was excused.

Senator Pearson of the 51st asked unanimous consent that Senator Schaefer of the 50th be excused. The consent was granted, and Senator Schaefer was excused.

Senator Pearson of the 51st asked unanimous consent that Senator Smith of the 52nd be excused. The consent was granted, and Senator Smith was excused.

SR 123. By Senators Hawkins of the 49th, Murphy of the 27th, Pearson of the 51st, Unterman of the 45th, Moody of the 56th and others:

A RESOLUTION to urge the United States Army Corps of Engineers to begin a study of the costs and effects of raising the full pool for Lake Lanier from 1,071 feet above sea level to 1,073 feet above sea level; and for other purposes.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Adelman	Y Heath	Y Seabaugh
Y Balfour	Y Henson	Y Seay
Y Brown	Y Hill,Jack	Y Shafer,D
Y Bulloch	Y Hill,Judson	E Smith
Y Butler	Hooks	Y Staton
Carter	Y Hudgens	Y Stoner
Y Chance	E Johnson	Y Tarver
Y Chapman	Y Jones	Y Tate
Y Cowsert	Y Me V Bremen	Y Thomas,D
Y Davenport	Y Moody	Y Thomas,R
Y Douglas	Y Mullis	Y Thompson,C
Y Fort	Y Murphy	Y Thompson,S
Y Goggans	Y Orrock	Y Tolleson
Y Golden	Y Pearson	Y Unterman
Y Grant	Y Powell	Y Weber
Y Hamrick	Y Ramsey	Y Whitehead
E Harbison	Y Reed	Y Wiles
Y Harp	E Rogers	Y Williams
Y Hawkins	E Schaefer	

On the adoption of the resolution, the yeas were 49, nays 0.

SR 123, having received the requisite constitutional majority, was adopted.

The following resolution was read and adopted:

SR 266. By Senator Seay of the 34th:

A RESOLUTION commending the Leadership Clayton Class of 2007; and for other purposes.

Senator Seay of the 34th introduced members of Leadership Clayton Class of 2007, commended by SR 266.

The following communication was received by the Secretary:

OFFICE OF LIEUTENANT GOVERNOR  
240 State Capitol  
Atlanta, Georgia 30334

Casey Cagle  
Lieutenant Governor

February 13, 2007

Hon. Bob Ewing  
Secretary of the Senate  
The State Senate  
Atlanta, GA 30334

Dear Bob:

This letter serves as official notice that the following Senators have been appointed as ex-officio members of the following committee. These appointments are for today only, and will expire on February 14, 2007:

Senator Bill Heath - Public Safety and Homeland Security  
Senator Dan Moody - Public Safety and Homeland Security

Please do not hesitate to contact me if you have any questions regarding this matter.

Sincerely,

/s/ Casey Cagle  
Lt. Governor of Georgia

Serving as doctor of the day was Dr. Steve Muller.

Senator Williams of the 19th moved that the Senate adjourn until 10:00 a.m. Wednesday, February 14, 2007.

The motion prevailed, and the President announced the Senate adjourned at 11:32 a.m.